

## **FACTSHEET**

**TITLE:** SPECIAL PERMIT NO. 04016, Northern Lights Commercial Center, requested by Yeutter Family, L.L.C. and Northern Lights, L.L.C., for approximately 103,400 sq. ft. of planned service commercial floor area, with request to waive setback requirements and treat the area as a commercial center versus individual commercial lots, on property generally located west of North 84<sup>th</sup> Street and north of Holdrege Street.

**STAFF RECOMMENDATION:** Conditional Approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 04/14/04  
Administrative Action: 04/14/04

**RECOMMENDATION:** Conditional Approval (8-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand and Sunderman voting 'yes'; Taylor absent).

### **FINDINGS OF FACT:**

1. This is a request for designation as planned service commercial, in order to coordinate the development of the H-4 area as a commercial center with more flexible internal setbacks.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that, with conditions, the request is in conformance with the Comprehensive Plan, the Zoning Ordinance and the Land Subdivision Ordinance.
3. On April 14, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On April 14, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated April 1, 2004. The conditions of approval are found on p.4-5.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been satisfied.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** April 26, 2004

**REVIEWED BY:** \_\_\_\_\_

**DATE:** April 26, 2004

**REFERENCE NUMBER:** FS\CC\2004\SP.04016

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 14, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #04016 for Planned Service Commercial.

**PROPOSAL:** To obtain a special permit for 103,400 square feet of floor area of planned service commercial to waive setback requirements and treat the area as a commercial center versus individual commercial lots.

**LOCATION:** Generally located west of N. 84<sup>th</sup> and north of Holdrege Streets.

**WAIVER REQUEST:**

Reduce front yard setback on N. Side of Northern Lights Drive from 50' to 20'  
Waive internal setbacks within the commercial center

**LAND AREA:** 11.5 acres, more or less.

**CONCLUSION:** With conditions the request is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

<b>RECOMMENDATION:</b>	Recommend Conditional Approval
Reduce front yard setback from 50' to 20' along N. Lights Dr.	Recommend Approval
Waive all internal setbacks	Recommend Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 1-12, Block 1, Northern Lights 3<sup>rd</sup> Addition, SE 1/4 of Section 15, T10N, R7E.

**EXISTING ZONING:** H-4, General Commercial.

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	LES Substation	P, Public
South:	Commercial	B-2, Planned Neighborhood Business
East:	Undeveloped	B2, Planned Neighborhood Business O-3, Office
West:	Proposed residential	R-5, Residential

**HISTORY:** Northern Lights Commercial Center Preliminary Plat #98033 and Use Permit #116 were approved by the City Council on November 1, 1999.

Change of Zone #2943 from AG to H-4 was approved by the City Council on December 2, 1996.

The area was zoned AA, Rural and Public Use until it was updated to AG, Agriculture during the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as commercial in the Comprehensive Plan (F-25).

The Trails and Bicycles Facilities Plan indicates a proposed trail to the west of this area (F-95).

**TRAFFIC ANALYSIS:** Northern Lights Drive, Northwoods Drive, Dawson Creek Road and Colby Street are local roads, and N. 84<sup>th</sup> Street is classified as an Urban Principal Arterial (F-103) and was recently improved to 4 lanes.

**AESTHETIC CONSIDERATIONS:** The requested reduction of the front yard along Northern Lights Drive would keep buildings along the drive consistent, as the R-5, Residential district requires a 20' front yard setback. A consistent setback is better aesthetically.

**ANALYSIS:**

1. This is a request for planned service commercial in order to coordinate the development of the H-4 area as a commercial center.
2. The applicant indicated that the lots are relatively small, and to impose internal setbacks leaves almost no develop-able area. The applicant indicated that they are requesting the front yard setback be reduced along Northern Lights Drive because the development south of Northern Lights Drive was only required to have a 20' front yard setback.
3. The preliminary plat for Northern Lights Commercial indicated internal private roadways, as opposed to private drives. Because they are private roadways a front yard setback is required. At the time of the preliminary plat, the developer was under the impression that this area was governed by a use permit and setbacks were waived. The use permit was approved only on the B-2 area, and a use permit process is not available in the H-4 district. The special permit for planned service commercial is the option by which the developer can achieve their goals. Planning staff does not object to the waiver setback as requested. This situation is unique because many commercial centers have pad sites surrounded by an outlot and internal setbacks are often waived.
4. The request to reduce the setback along Northern Lights Drive is acceptable because the present setback to the west on the same side of the street is 20'. There are cases where the zoning ordinance requires a consistent setback when certain districts share a block with other districts. This same principal is being applied as the rational for the reduction.
5. External setbacks are not waived along N. 84<sup>th</sup> Street, to the west along the residential area, nor are they waived to the north along the LES substation.
6. The special permit indicates lots and floor area per lot. Individual site plans shall be submitted and reviewed at the time of building permit, so long as they meet all zoning requirements. This

new streamlining technique is being employed in many special permit and use permits already. A separate review of individual site plans for each building pad site is extraneous because all development must meet standards, except any waivers that are granted by City Council.

7. Because the area is considered a commercial center, the free movement of cars should be allowed. Since the parking lot layout will not be reviewed until the building permit process, planning staff recommends a condition be added to the special permit notes indicating that driving aisles and parking lot access be continuous between lots.
8. The Public Works and Utilities Department has no comments and does not oppose the request for the special permit.
9. A trail easement is located west of the commercial area, along the drainage way and was platted with the Northern Lights Townhomes final plat.
10. General Note #6 on the site plan indicates that the “sale of alcoholic beverages for the consumption off premises and on the premises is permitted provided the location requirement of 27.63.680 and 27.63.685 are met or waived by the City Council”. Language in the ordinance has changed and this note should be revised to indicate only that the sale of alcohol shall meet the Zoning Ordinance requirements. The note may be removed entirely since it is repeating the requirements.
11. The requested waiver #3 to “allow the Planning Director to approve site plans at the time of building permit” should be removed from the waivers table. Add a note that indicates individual site plans, including details of parking lot layout, building layout, shall be determined at the time of building permit and will meet all design standards and zoning codes.

## **CONDITIONS:**

### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

#### 1.1 Revise the site plan to show:

- 1.1.1 Remove the requested waiver #3, it is not necessary.
- 1.1.2 Add a note indicating that driving aisles and parking lot access be continuous between lots.
- 1.1.3 Revise General Note #6 to indicate that it will meet the requirements of the Zoning Ordinance and remove language indicating a waiver.
- 1.1.4 Add a note indicating that individual site plans, including details of parking lot

layout, building layout, shall be determined at the time of building permit and will meet all design standards and zoning codes, provided parking lot aisles shall continue between lots.

2. This approval permits 103,400 square feet of floor area and a 20' front yard setback along Northern Lights Drive and 0' internal setbacks.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised [final](#) plan including 7 copies and the plans are acceptable.
  - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the commercial area all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner  
441-6373  
[rhorer@ci.lincoln.ne.us](mailto:rhorer@ci.lincoln.ne.us)  
Planner

**DATE:** April 1, 2004

**APPLICANT:** Yeutter Family, LLC and Northern Lights, LLC.  
PO Box 22296  
Lincoln, NE 68542

**OWNER:** Mark Palmer  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
474-6311

**CONTACT:** Mark Palmer

**SPECIAL PERMIT NO. 04016**  
**NORTHERN LIGHTS COMMERCIAL CENTER**

**CONSENT AGENDA**

**PUBLIC HEARING & ADMINISTRATIVE ACTION**

**BEFORE PLANNING COMMISSION:**

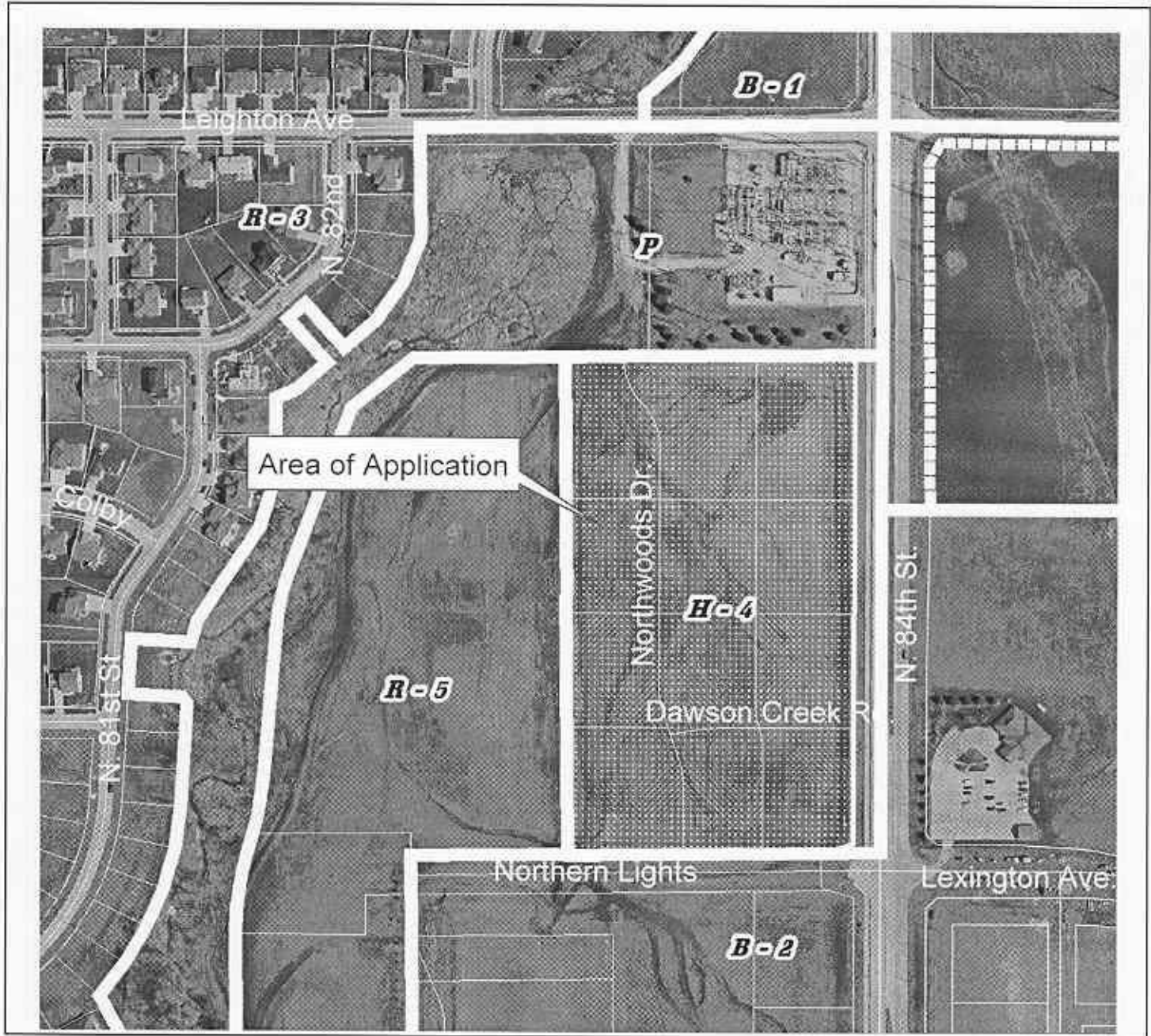
April 14, 2004

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, and Sunderman (Taylor absent).

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 04016, NORTHERN LIGHTS COMMERCIAL CENTER, and PRELIMINARY PLAT NO. 04010, CROSSBRIDGE ADDITION.**

Carroll moved to approve the Consent Agenda, seconded by Larson and carried 8-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand and Sunderman voting 'yes'; Taylor absent.

Note: This is final action on the Crossbridge Addition Preliminary Plat No. 04010, unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

# **Special Permit #04016** **N. 84th & Leighton Ave.** **Northern Lights Commercial Center** **Zoning:**

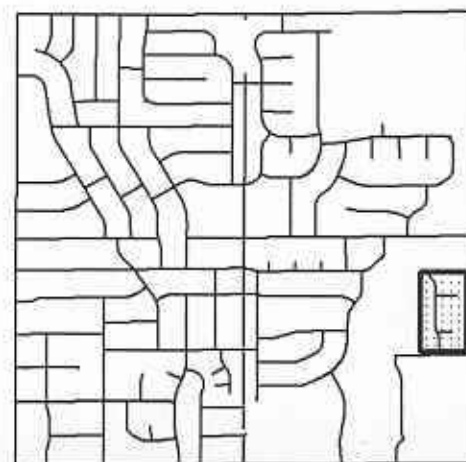
- R-1 to R-3 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 15 T10N R7E



Adams St.

N. 70th St.



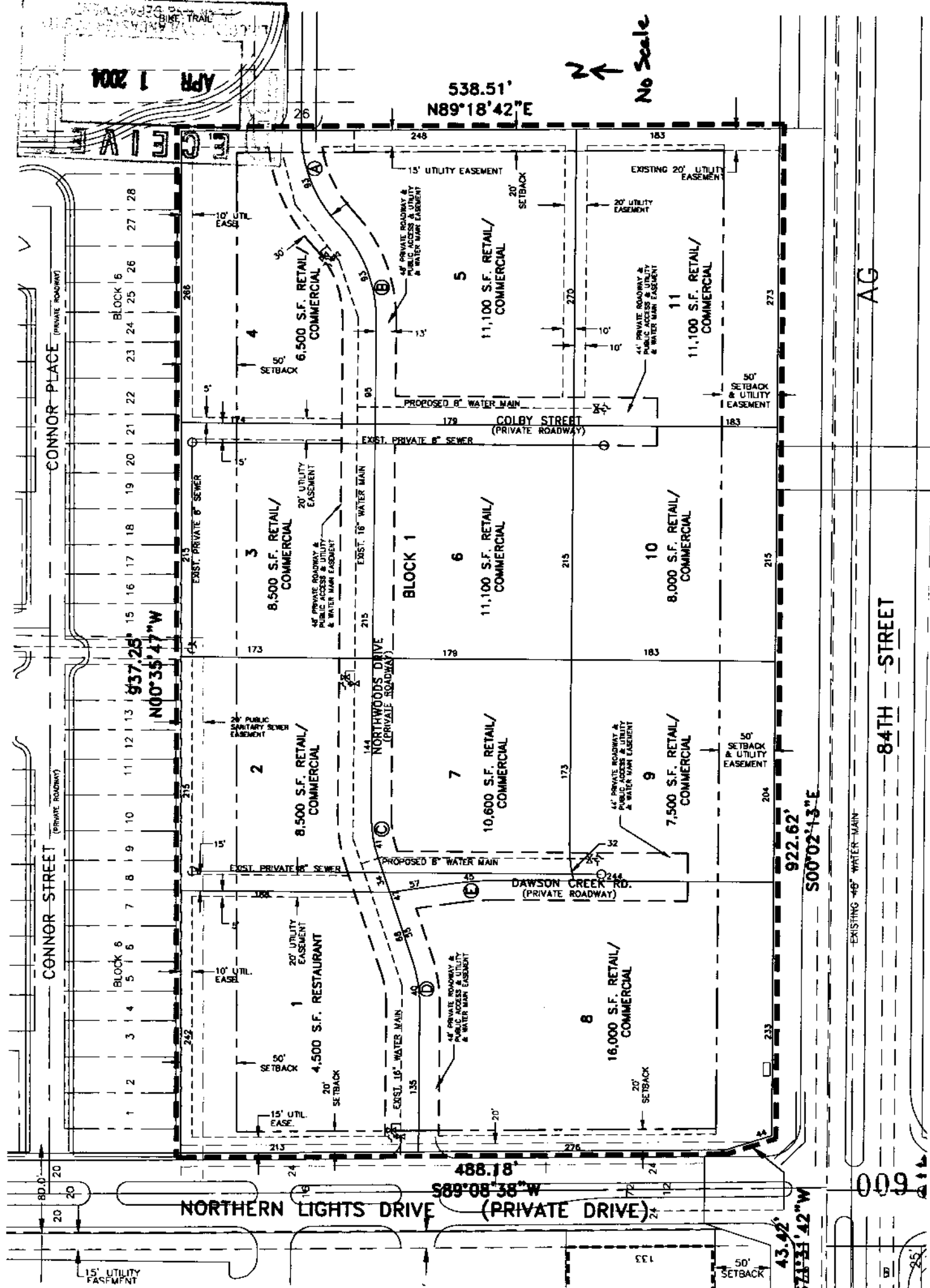
N. 84th St.

Holdrege St.

008

Lincoln City - Lancaster County Planning Dept.







**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

18 March 2004

Mr Marvin Krout  
Planning Department , City of Lincoln  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: Northern Lights Commercial Center  
Special Permit for Planned Service Commercial  
OA Project No. 2003-1227

Dear Mr. Krout,

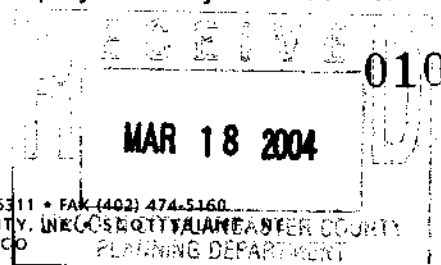
Enclosed, please find the following for the above-mentioned project:

1. Site Plan - 21 copies.
2. Drainage and Grading Plans - 9 copies.
3. Street Profile Plans - 5 copies.
4. Landscape Plan - 5 copies.
5. Special Permit Application
6. Application Fee - \$ 740.00
7. Ownership Certificate

On behalf of the Owners/Developers, Ridge Development Company, and Yeutter Family L.L.C., 2000 Pine Lake Road, Suite 100, Lincoln NE 68516, we are requesting a Special Permit for Planned Service / Commercial on the property shown on the enclosed site plan, all located in the South Half of Section 15, T10N, R7E of the 6<sup>th</sup> PM, City of Lincoln, Lancaster County, Nebraska.

This property was preliminary platted in conjunction with the Northern Lights Commercial Center Use Permit and Preliminary Plat. There have been some changes to the lot layout from what was previously platted, however, the changes are not significant and are in substantial conformance with the previously approved plat. A final plat will be submitted in the near future that reflects the revised lot layout.

The following waivers are being requested for the above-mentioned project. The justification for each waiver is listed below.



1111 Lincoln Mall • P.O. Box 84608 • Lincoln, Nebraska 68501-4608 • (402) 474-6311 • FAX (402) 474-5160  
OMAHA, NE • GRAND ISLAND, NE • HOLDREGE, NE • SOUTH SIOUX CITY, NE • COUNCIL BLUFFS, IA • LANCASTER COUNTY, NE  
KANSAS CITY, MO • PHOENIX, AZ • DENVER, CO

# Memorandum

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<b>To:</b>	Becky Horner, Planning Department
<b>From:</b>	Chad Blahak, Public Works and Utilities
<b>Subject:</b>	<del>Stevens Creek Estates Preliminary Plat #04011</del> Northern Lights
<b>Date:</b>	3/30/04
<b>cc:</b>	Randy Hoskins

Engineering Services has reviewed the submitted plans for the Northern Lights Commercial Center Special Permit, north of Holdrege Street and west of 84th Street, and has no comments.

F:\FILES\sieceb\Projects\2004-03-013\Word Files\nrthnrltscommSP.wpd



**MICHAEL WOOLMAN**  
**<lpd737@CJIS.CI.LINC**  
**OLN.NE.US>**

03/24/2004 12:50 PM

To: R Horner <RHomer@ci.linc.nh.us>  
cc:  
Subject: Northern Heights Commercial Center

Ms. Horner,

The Lincoln Police Department does not object to the Northern Heights Commercial Center.

Sergeant Michael Woolman  
Lincoln Police Department